

REMARKS

Patent claims 1, 2, 3 and 12 have been amended by bracketing and underlining in accord with 37 C.F.R. § 1.173(b)(2)(d) and are presented for reconsideration. No other claims have been amended. No claims have been added or cancelled.

Claims 1, 3 and 12 have been amended to correct the definition of R_1 therein. Two preferred definitions of R_1 are disclosed on page 2, line 16 of the disclosure. The narrower definition was erroneously incorporated into independent claims 10, 13 and 14 of the application, now claims 1, 3 and 12 of the patent, i.e. R_1 was erroneously defined as **C₃-C₈alkyl** instead of **C₃-C₁₂alkyl** in the Amendment mailed on September 9, 2001.

This error arose through a simple copying error by the undersigned – there was absolutely no reason related to patentability to restrict the upper limit of the alkyl chain to C₈, and patentees gave no authorization to restrict said upper limit. Hence patentees were claiming less than they had a right to claim in claims 1, 3 and 12 of the patent due to a simple copying error.

The amendment was in response to the rejection of claims 2-11, 13 and 14 under 35 U.S.C. § 102(b) as being anticipated by Kline (U.S. Patent No. 3,975,414). Klein '414 disclosed thioether bis amides (R_1 = hydrogen; $n = 0$). Specifically, N,N'-bis(4-anilinophenyl)-3-thiahexanediamide is disclosed in column 4, line 16, and a formulation containing this compound in silica loaded NBR rubber is shown in Sample 17 of Table IV of Kline '414. The claims as amended did not embrace thioether bis amides. Rather, they were directed to sulfoxides or sulfones, which are neither taught nor suggested by Kline.

The undersigned soon noted the above errors in the Amendment mailed on September 9, 2001 with regard to independent claims 10, 13 and 14 of the application, now claims 1, 3 and 12 of the patent, and sent a Substitute Amendment (copy attached) correcting them via telefax to the PTO on September 19, 2001. The undersigned also informed the examiner by telephone by that the Amendment mailed on September 9, 2001 contained errors and that a Substitute Amendment correcting them had been sent to the PTO via telefax. Therefore the undersigned was unaware for some time that the claims of the patent corresponded to those of the Amendment mailed on September 9, 2001, not the Substitute Amendment sent to the PTO via telefax shortly thereafter.

The amendment to claims 1, 3 and 12 of the patent broadens their scope since the upper carbon limit of the alkyl chain has been increased back to its original value. The request for reissue is being filed within two years of the issue date (April 2, 2004).

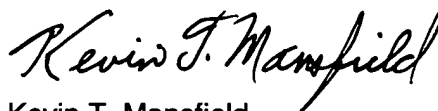
Additionally, in independent claims 10, 13 and 14 of the application, now claims 1, 3 and 12 of the patent, R_1 was defined as C_3-C_8 alkyl, i.e. "hydrogen or" was cancelled. Also n was defined as 1 or 2, i.e. the meaning $n = 0$ was cancelled. These amendments were made to distinguish over the thioether bis amides ($R_1 = \text{hydrogen}$; $n = 0$) disclosed in Klein (U.S. Patent No. 3,975,414). The undersigned did not notice until it was brought to his attention much later that claim 2 of the patent, which depends on claim 1, recites, " R_1 is hydrogen or C_3-C_8 alkyl" and " n is the number 0 or 1". Clearly "hydrogen or" and "0 or" should have been cancelled, because claim 2 is broader than the claim it depends upon in both aspects. Hence patentees were claiming more than they had a right to claim in claim 2 of the patent. This was a simple oversight on the part of the undersigned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Entry of the above amendment and passage of this application to reissue is respectfully solicited in light of the remarks *supra*.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Patentees request that the examiner contact the undersigned representative.

Respectfully submitted,



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Attachment: copy of Substitute Amendment dated September 19, 2001.

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